

## REMARKS

This application has been reviewed in light of the Office Action dated April 16, 2008. Claims 1-8, 21-28, 41-48 and 80-82 are presented for examination, of which Claims 1, 21 and 41 are in independent form. Claims 1, 6, 21, 26, 41, 46 and 80-82 have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is respectfully requested.

In the outstanding Office Action, Claims 1, 21 and 41 were rejected under the second paragraph of 35 U.S.C. § 112 as failing to particularly point out and distinctly claim the invention. These claims have been amended to address the points raised in the Office Action, and withdrawal of this rejection is respectfully requested.

In addition, Claims 1-8, 21-28, 41-48 and 80-82 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 6,804,019 (Shiohara) in view of U.S. Patent 6,327,051 (Moro et al.) and further in view of U.S. Patent 6,211,966 (Osada et al.).

As discussed in the specification and the Amendment of April 23, 2007, the present invention relates to a server in a network environment that manages ability information of devices and their drivers and, given a client request to find a device with certain abilities, provides adaptivity information regarding every device indicating how well the device coupled with its driver may fulfill or adapt to the client request.

Specifically, a device driver is a program which is executed by the server and used for controlling/facilitating the operation of its associated device (see Para. [0039]). For example, a printer driver receives raw document data and converts it into print data which can be processed by the printer. If the printer does not have an N-up printing function, the printer driver may generate print data so that N pages of the

document data are allocated to one page of the print data. In that way, even if a device by itself is not able to perform a function, its device driver can make it happen, in which case the device may be considered as a candidate for performing the function.

Therefore, to be able to respond to a client request with a list of all devices which coupled with their drivers can fulfill the request, it is important to take into consideration not only a device's abilities but also those of its device driver. Furthermore, it is desirable to show when a device driver makes it possible for a device to perform a function. For example, it may be necessary to know exactly what each device driver can do and has to do at a given moment in time (when the user has selected its associated device from a list of available ones and sent a job to the device, etc.) in order to minimize its workload.

Claim 1 recites, among other features, "an output unit adapted to output a result of comparing by said comparing unit, wherein said output unit outputs information for identifying, among the at least one ability included in the retrieval condition, an ability which does not conform to any ability of the device stored in the first storage unit but conforms to at least one ability of the device driver stored in the second storage unit."

As Applicant understands, *Shiohara* provides a print driver which is compatible with any of a plurality of printers in a network by interpreting a printer's module configuration information, which specifies the names of applicable execution modules (see col. 8, lines 22-26, of *Shiohara*, for example) each enabling the printer to perform a particular function the printer supports (col. 2, lines 66-67, and col. 3, lines 1-3, for example), and running appropriate execution modules accordingly.

Specifically, a printer's "module configuration information" appears to refer to only what a printer is designed for or capable of handling, such as color print (with color inks in the printer) and page print (with one sheet/page of paper as a printing unit), rather than any driver-specific capability which the printer does not itself support. Regardless of whether this is the case, a printer's module configuration information is not believed to indicate which function the printer is unable to perform by itself but which the print driver enables the printer to perform. An execution module certainly does not contain such information, either. In fact, there appears to be no need for such information in the apparatus of *Shiohara*, as the single print driver is expected to work with all the printers in the network, and thus the print driver's workload would not be a concern. This means that the output unit of Claim 1, among other things, is not disclosed or taught in *Shiohara*.

Neither *Moro* nor *Osada* is believed to remedy the deficiency noted above, on the ground that no distinction is made between a device's abilities and a device driver's abilities.

The Office Action states that "the output unit outputs information for identifying, among the at least one item in the search condition, an item which does not conform to the ability of the device but conforms to be ability of the device driver" is disclosed only in *Osada* (although not in *Shioraha* or *Moro*). *Osada* relates to an information processing apparatus which can manage ability information of devices and communicate service requests concerning specific abilities to a plurality of devices, each possessing the specific abilities and capable of processing those service requests. Applicant notes that this invention deals exclusively with a device's abilities, and does not concern a device driver's abilities.

Specifically, the portions of *Osada* cited as disclosing the second feature quoted above indicate merely that the CPU is capable of sending an inquiry to a peripheral device to get its current service/ability information and updating what is stored in an external memory, which reflects the results of the previous inquiries, if the result of the current inquiry shows any changes. While discussing the outputting of some sort of a difference – between the results of the previous queries and that of the current query – it is not the difference between a device’s abilities and those of its device driver.

For at least the reasons discussed above, Claim 1 is believed to be patentable over *Shiohara*, *Moro* and *Osada*, taken separately or in any permissible combination.

Independent Claims 21 and 41 are method and computer-medium claims, respectively, corresponding to server Claim 1, and are believed to be patentable for at least the same reasons as are discussed above in connection with Claim 1.

A review of the other art of record has failed to reveal anything which, in Applicant’s opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Leonard P Diana/  
Leonard P. Diana  
Attorney for Applicant  
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

FGHS\_WS 2326275v1